

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KAMME O, §
Plaintiff, §
§
§
v. § CIVIL ACTION No. 4:17-cv-03877
§
§
TEXAS A&M UNIVERSITY, ET. AL., §
Defendants §

**DEFENDANTS' OBJECTIONS TO PLAINTIFF'S EVIDENCE
AND MOTION TO STRIKE**

TO THE HONORABLE MAGISTRATE JUDGE NANCY K. JOHNSON:

Defendants file these objections to Plaintiff's evidence attached as exhibits to Plaintiff's Response to Defendants' Motion to Dismiss and move to strike Plaintiff's Exhibits 1 through 12.

A. INTRODUCTION

1. Plaintiff is Kamme O; defendants are Texas A&M University and Texas A&M University System.
2. On May 15, 2018, Plaintiff filed her response to Defendants' Motion to Dismiss and attached 12 exhibits. [DKTs 30 and 31]

B. OBJECTIONS

3. Defendants file the following objections to the admissibility and authenticity of the attached exhibits:
 - a. Plaintiff's Exhibits 1 through 12 [DKTs 30, 30-1 through 30-6, and 31] should be stricken for the following reasons:

- i.) Exhibits 1-12 are vague, confusing, filled with conclusory statements that are based upon Plaintiff's subjective belief and without evidentiary basis;
- ii.) Exhibits 1-12 are incomplete and thus inadmissible under Federal Rule of Evidence 106 unless the remainder of it is introduced;
- iii.) Exhibits 1-12 are not relevant evidence as defined by Federal Rule of Evidence 401 and thus is inadmissible under Federal Rule of Evidence 402;
- iv.) any probative value in Exhibits 1-12 is substantially outweighed by the danger of unfair prejudice and a confusion of the issues and should be excluded under Federal Rule of Evidence 403;
- v.) because there is not sufficient evidence that the statements contained in Exhibits 1-12 are based on personal knowledge these exhibits should be excluded under Federal Rule of Evidence 602;
- vi.) Exhibits 1-12 contain opinions or inferences that are inadmissible under Federal Rules of Evidence 701 and 702;
- vii.) because any probative value is substantially outweighed by their prejudicial effect and should be excluded under Federal Rule of Evidence 703;
- viii.) Exhibits 1-12 are hearsay as defined by Federal Rule of Evidence 801 and thus are inadmissible under Federal Rule of Evidence 802; and
- ix.) Exhibits 1-12 contain improper summaries and thus are inadmissible under Federal Rule of Evidence 1006.

C. CONCLUSION

4. For these reasons, Defendants ask the Court to sustain their objections and strike Plaintiff's exhibits and evidence as inadmissible and not proper.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

BRANTLEY STARR
Deputy First Assistant Attorney General

JAMES E. DAVIS
Deputy Attorney General for Civil Litigation

ANGELA V. COLMENERO
Chief, General Litigation Division

/s/ Yvonne D. Bennett
YVONNE D. BENNETT
Texas Bar No. 24052183
Southern District No. 814600
Attorney-in-Charge
Assistant Attorney General
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
Phone: 512-463-2120
Fax: 512-320-0667
Email: yvonne.bennett@oag.texas.gov

ATTORNEYS FOR DEFENDANTS
TEXAS A&M UNIVERSITY and
TEXAS A&M UNIVERSITY SYSTEM

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document has been served via PACER electronic notification and email on this 17th day of May 2018, on:

Kamme O
Pro Se Plaintiff
3503 Winding Road
Hearne, Texas 77859
Telephone: 979-575-1091
AggieCarpenterMom@gmail.com

/s/ Yvonne D. Bennett
YVONNE D. BENNETT
Assistant Attorney General